

Procedural changes in labour cases

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Amendments Comment

The Labour Courts Act 7036, which came into effect on 25 October 2017, introduced a number of changes (eg, mandatory mediation) and amended the appeal procedure for labour disputes. Previously, parties were entitled to appeal labour court decisions within eight days from the final decision being issued. However, the eight-day appeal period was criticised by scholars for not being in line with the Procedural Code, under which the appeal period starts from the service of the reasoned judgment.

Amendments

Under the Labour Courts Act, appeal procedures set out under the Procedural Code are also applied to judgments rendered by the labour courts. As a result, parties can now appeal decisions before the regional appeal courts within two weeks from the notification of a reasoned judgment.

The act also introduces an additional amendment and leaves some types of judgment outside the scope of Supreme Court appeals. Accordingly, parties can apply only to a regional court of appeal, which will issue a final decision, for judgments rendered in:

- reinstatement claims;
- actions filed for the cancellation of an employee disciplinary measure according to workplace regulations or a collective bargaining agreement;
- actions filed in relation to the unjust termination of union representatives by employers;
- disputes arising from the requirement that a workplace should have collective bargaining agreements;
- disputes arising from the interpretation of an effective collective bargaining agreement; and
- actions filed to determine the lawfulness of a strike or lockout.

The Procedural Code's financial threshold for appeals before the Supreme Court still applies for labour cases regardless of their subject matter. On this basis, all labour cases with a monetary value of less than TRY47,530 (approximately €8,600) will be resolved by the regional courts of appeal if appealed.

Comment

As well as bringing the procedural rules that govern labour cases into line with the Procedural Code, the legislature hopes to shorten the duration of actions which, by their nature, should be resolved as quickly as possible. Although it is still questionable whether these amendments will produce the anticipated returns in terms of reaching the desired duration for trial processes, they mark an important attempt to limit the two-phase appeal stage for certain cases given the Supreme Court's heavy workload.

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